

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Kristin Worth, Austin Dye, Axel Anderson,  
Minnesota Gun Owners Caucus, Second  
Amendment Foundation, and Firearms  
Policy Coalition, Inc.,

Case No. 0:21-CV-01348 (KMM-LIB)

Plaintiffs,

vs.

John Harrington, in his individual capacity  
and in his official capacity as  
Commissioner of the Minnesota  
Department of Public Safety, et al.,

Defendants.

**EXHIBIT 1**

**DECLARATION OF AMANDA PRUTZMAN  
IN SUPPORT OF DEFENDANT JOHN HARRINGTON'S  
MEMORANDUM OF LAW IN OPPOSITION TO PLAINTIFF'S  
MOTION FOR SUMMARY JUDGMENT**

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And, of course, that's all in the context of a hypothetical that's completely ahistorical because we all know that in a predominantly -- sorry, an agrarian society in the Eighteenth Century, owning firearms for at least those living in agrarian rural America would have been pretty much essential to, you know, rid their fields of pests, put dinner on the table, and, of course, to deal with the almost omnipresent threat of Indian warfare.

So, again, you know, one of the problems -- and actually, you know, what's fascinating is the Brief that your firm did in Jones, which I'm a huge fan of, talks about the problem of trying to do originalism without a textualized understanding of the complexity and realities of the 18th Century.

And I think your question speaks beautifully to that problem because you're sort of isolating a hypothetical, and in the process of identifying the hypothetical, you're, essentially, saying, let's imagine a situation where we're in the 18th Century

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but nothing about the 18th Century is relevant anymore.

Well, I mean, that's kind of an odd way to understand what something actually meant to people who lived in the Eighteenth Century; wouldn't you agree?

Q. Well, I'm only -- I believe only changing one variable. So, let's say, in the Militia Act of 1792 Congress had said, instead of 18 you have to buy a gun, and 24 you have to buy a gun and join the militia?

A. Right.

Q. So, then, for purposes of just the Second Amendment, not any other source of law --

A. Yeah.

Q. -- or rights, persons under 24 would have no Second Amendment rights in your view; is that correct?

A. I think that's right, but, you know, I would want to, probably, before I definitively pronounce -- think through it, but that sounds right to me, at least on first glance.

Q. Would there be laws in the Founding Era making it unlawful for 18-to-20 year olds to

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acquire firearms?

A. Well, as I point out in the report, the basic problem in the Founding Era is there are not enough guns to go around, not too many guns.

So the question of, you know, why aren't their guns -- why aren't their modern style gun control laws, sort of, again, violates the principle that you and Haley articulate so beautifully in that Brief, that if one is doing originalism rigorously, one needs to understand the texture of the past, not just the meaning of the words in a kind of decontextualized fashion.

Q. Right. And I'm not asking for an explanation. I'm just asking for a yes-or-no answer.

So, I mean, there were no laws in the Founding Era making it unlawful for 18-to-20 year olds to acquire firearms, correct?

A. Well, that sort of reminds me of the law that was enacted in France in a famous wine-producing region that forbid flying saucers from landing in the vineyards.

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And, you know, I'm sure under French law that was perfectly legal, but it's a kind of law that's not very useful in terms of understanding what was the real danger of flying saucers interfering with French wine production in the 1950s?

Q. So I take it there were no such laws in the Founding Era, correct?

A. It's a bad question because it doesn't -- you know, you have to ask a question that's grounded in the actual history.

So a question like that, unfortunately, rests on a poorly articulated set of assumptions about what the reality of firearms ownership was in the Eighteenth Century.

So, yes, given that there was a shortage of firearms, and government policy was aimed to increase firearm production, passing allow against acquiring firearms wouldn't have made a whole lot of sense.

Q. Right. And, you know, I'm not articulating any theory, you're the historian, I'm asking you a factual question about history.

And so, the answer is there were no